

AN UNKNOWN QUANTITY

Kidnapping for ransom in South Africa

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The kidnapping and murder of both Leigh Mathews and Frances Rasuge in 2004, and the criminal trials of their respective killers, have heightened awareness and concern about kidnapping for ransom in South Africa. Several media articles have suggested an increase in the number of kidnappings, or at the very least that kidnapping for ransom is a significant problem that South Africans ignore at their peril. This article examines the evidence for such claims as well as issues that should lead to caution in describing kidnapping for ransom trends.

Kidnapping for ransom is not a new problem, but has become a growth industry worldwide, to the extent that there are now several international insurance companies providing personal and corporate kidnapping insurance policies. Risk insurance, and the provision of related risk and crisis management services, has become an established industry and it is estimated that as much as \$100m is paid each year in premiums globally.¹

Kidnapping for ransom is a diverse and evolving phenomenon, but is most common in countries with high levels of crime and corruption, poorly resourced or trained police personnel, a weak judiciary, and/or a history of political or social instability and conflict.² In these countries kidnapping is often more profitable and less likely to lead to conviction than other generally high-yield crimes like bank robbery,³ and the growth of the phenomenon can be seen “as the logical outcome of [criminals] seeking new avenues to make quick profits from unlawful activities”.⁴ It is estimated that as many as 80% of all kidnappings for ransom occur in Latin America, but kidnapping appears to a growing problem in sub-Saharan Africa, Eastern Europe, Central Asia, the Balkans and the Middle East.⁵

Motivations and modus operandi vary, but generally speaking there are two main kinds of kidnapping for ransom. These can be roughly categorised as:

- *Criminal kidnapping*, where the main motive is to obtain a ransom from the family or business of victims. This category includes instances where criminals take hostages as a shield to help them escape from the scene of a crime, or use them to obtain money or valuables, or the keys or secret codes needed to access areas where these are stored.
- *Political kidnapping*, where the foremost objective is to further the political aims of a particular political group or movement. In this case, a ransom is usually demanded to obtain money for the group to fund their activities – tactics used by the Abu Sayyaf group in Pakistan and the Philippines, for example.⁶

Such kidnappings are distinct from emotional or pathological kidnapping, which involves, for instance, the kidnapping of children by estranged parents or relatives or, in the case of the latter, kidnappings motivated by individual pathologies, such as kidnapping for the purposes of rape or other sexual aberration.⁷ They also differ from unlawful

detentions, where people are held illegally by law enforcement personnel; or political blackmail, which involves holding individuals against political ends, such as the release of comrades from prison.⁸

Globally, criminal and political kidnappings are a multi-million dollar enterprise. The British Foreign Policy Centre, for example, estimates that kidnappers take up to US\$500m annually in both local and expatriate kidnappings;⁹ while companies such as American Insurance Group (AIG) South Africa – the only company in South Africa to offer dedicated kidnap for ransom insurance – provide their clients with cover up to \$50m.¹⁰

Yet, kidnappings are not confined to millionaires and their families, or to business executives from large, international companies. As the Leigh Mathews case illustrates, although the rich and well-connected are often targeted, many victims are often simply in the wrong place at the wrong time. ‘Express kidnappings’ – where victims are briefly held and are forced to withdraw cash from an ATM – and certain types of hi-jacking have also diversified the profile of kidnapping victims.

Ransom demands also vary widely, ranging from millions of dollars to a few hundred dollars, and may even take the form of goods and services. A recent kidnapping in Nigeria, for example, was resolved with the exchange of a computer and fax machine, while kidnappers in Yemen routinely release hostages in return for the construction of a new road or well for a rural village.¹¹

Defining kidnapping under South African law

Under South African law, kidnapping consists of unlawfully or intentionally depriving a person of their liberty of movement or, in the case of a minor, depriving a parent or recognised guardian of their control over the child.¹² The emphasis is on the individual's right to personal freedom and the violation of this right through force, threats or fraud. In the case of children, the crime is also committed against the child's parents or guardians, so that even where a child consents to being taken, the act remains criminal due to the unlawful interference with the custodial rights vested in their legal guardians.

Kidnapping need not involve a ransom for a victim's release, and a ransom demand – extortion – only

influences the severity of the crime's punishment. It also need not last for a long time; although there has been some legal debate about this, current interpretations of the law maintain that holding someone against their will for only a few hours still constitutes kidnapping. In South Africa, kidnapping is a separate crime from abduction, although there are definitional similarities between the two.

Abduction is defined as the unlawful taking of a minor from the control of their parent or guardian *for the purpose of marriage or sexual intercourse*.¹³

As in the case of the kidnapping of a minor, abduction is a crime against parental authority. It is chiefly concerned with parents' right to determine if a minor daughter will marry, and has its origins in a time and society in which women were considered an important economic asset to the family. As with kidnapping, the child's consent is irrelevant, but unlike kidnapping, abduction occurs with the express purpose of marriage or intercourse and may or may not involve force or deception.

The view from the ground

Several professionals involved in investigating and resolving kidnapping for ransom cases believe that although the number of kidnappings for ransom in South Africa is currently fairly low compared to other serious and violent crimes, it is on the rise. As elsewhere in the world, the modus operandi of kidnappers in South Africa varies, and their methods are constantly changing and evolving, making it difficult to say with certainty what the trends are. There are, however, some broad patterns.

Like in many other countries, wealthy individuals or business executives and their families are targeted for large ransoms anywhere between R100,000 and several million rand. These involve both local and expatriate victims. Smaller-scale kidnappings are also becoming common, where children are kidnapped from upmarket schools and held for fairly short periods for relatively low ransom demands of between R20,000 and R30,000. These kidnappings tend to go unreported, as parents prefer to simply pay up and get their child back.

‘Express’ kidnappings appear widespread, with victims either held and driven to an ATM to withdraw cash, or held at home while some of the

kidnappers drive to a nearby cash-point to withdraw money, after which they are released. Kidnappings of foreign businessmen in connection with 419 scams have also been reported, although they have not yet involved local executives.¹⁴

Kidnapping for ransom appears most prevalent in South Africa's main cities, with Gauteng and Cape Town experiencing the most kidnappings.¹⁵ This may be due to the concentration of wealth in prosperous urban centres, but could also reflect to some degree higher levels of reporting, insurance coverage and access to specialised assistance in these areas.

Unlike the situation in many Latin American countries, where kidnapping has developed into a mature and highly professional money-making industry, it is not yet very professionalized in South Africa, and is often motivated by commercial manoeuvring and revenge as much as greed. According to one industry insider, kidnapping for ransom is prevalent within sectors such as the taxi industry, where ransoms are demanded but the primary objective is to intimidate or blackmail competitors into relinquishing coveted routes.¹⁶

Local and international crime syndicates have been linked to some kidnappings, but kidnapping and extortion are not confined to organised groups. A private investigator argues that many kidnappings are planned and instigated by people known to the victim, who then contract others to carry out the crime.¹⁷ Kidnappers usually study the movements and routines of their victims, but are generally less experienced and less sophisticated than their Latin American counterparts. Despite this, most kidnappings in South Africa are resolved without harm coming to the hostage.

What the statistics say

Interpreting crime statistics is difficult worldwide. Police statistics tend to undercount crime levels, either because offences are not reported or are not recorded. Some crimes, such as murder, car theft, car hijacking and burglary, are more consistently reported than others, but it is likely that the real levels of most crimes will never be known. The definitions of crime also vary and change, which may reduce the reliability of comparisons over time or between countries.¹⁸

Statistics on kidnapping share these problems, and it is impossible to know the true extent of this crime in South Africa or elsewhere. Experts agree that most kidnappings go unreported, either because victims and their families are afraid of getting the police involved or, in the many countries where the police are complicit in the crime, mistrust the authorities.

However, available statistics suggest that, contrary to popular perception, levels of reported kidnapping in South Africa have declined over the last decade. According to SAPS figures, 3,004 kidnappings were reported during the 2003/04 financial year – quite substantially less than the 4,101 kidnappings recorded in the 1994/95 financial year.¹⁹ Calculated by population size, kidnapping rates have declined from 10.6 per 100,000 of the population in the 1994/95 financial year, to 6.5 in the 2003/04 period.²⁰ According to 2002 statistics from the United Nations Office on Drugs and Crime (UNODC) Survey of Crime Trends and Operations of Criminal Justice Systems, a figure in this region gives South Africa the fourth highest kidnapping rate globally after Kuwait, Belgium and Canada (Figure 1).²¹

It is likely that South Africa in actual fact ranks even lower in the international kidnapping stakes. The UNODC survey is sent to all the countries represented in the United Nations, but as a rule less than half respond, leaving gaps in the published data.²² In this case, the figures do not show kidnapping rates for Latin American countries, such as Colombia, Mexico, Argentina, Venezuela and Ecuador, or many of the former Soviet Union countries, which are all thought to have very high levels of kidnapping. Statistics from these countries are hard to come by, and it is unclear how reliable the available statistics are. Statistics for 2002 are unavailable, but Kroll Security International (a high-risk security group) estimates that in 2003 there were 4,000 kidnappings in Colombia, 3,000 in Mexico and 2,000 in Argentina.²³ Calculated per 100,000 of the population, this places Colombia second to Kuwait (at 9.1 kidnappings per 100,000), relegating South Africa to at least fifth place in the global rankings.²⁴

Such broad comparisons are, however, misleading as they fail to distinguish kidnapping for ransom from other types of kidnapping, like emotional or

pathological kidnapping or unlawful detentions – and, in the case of the UNODC figures, it is unclear exactly how kidnapping is defined. As already discussed, under South African law, kidnapping need not involve a ransom demand. Police statistics adhere to the common law definition of the crime, meaning that kidnapping for ransom is only one of several sub-categories of crime included in their statistics, and that statistics are subject to conceptual confusion over the differences between cases of kidnapping and abduction.

The overlap between kidnapping and abduction is visible in the police statistics. As shown in Figure 2, while the number of kidnappings reported to the police has declined since 1994, the number of abductions has increased, particularly since the beginning of 2002. Police statisticians argue that this shift is primarily a result of more accurate categorisation of abduction and kidnapping cases by frontline staff as a result of training drives, rather than real shifts in the prevalence of these crimes.²⁵ This suggests that in the past many recorded kidnappings have actually been abductions, and it is likely that these definitional issues still result in an over-estimation of the number of kidnappings each year.

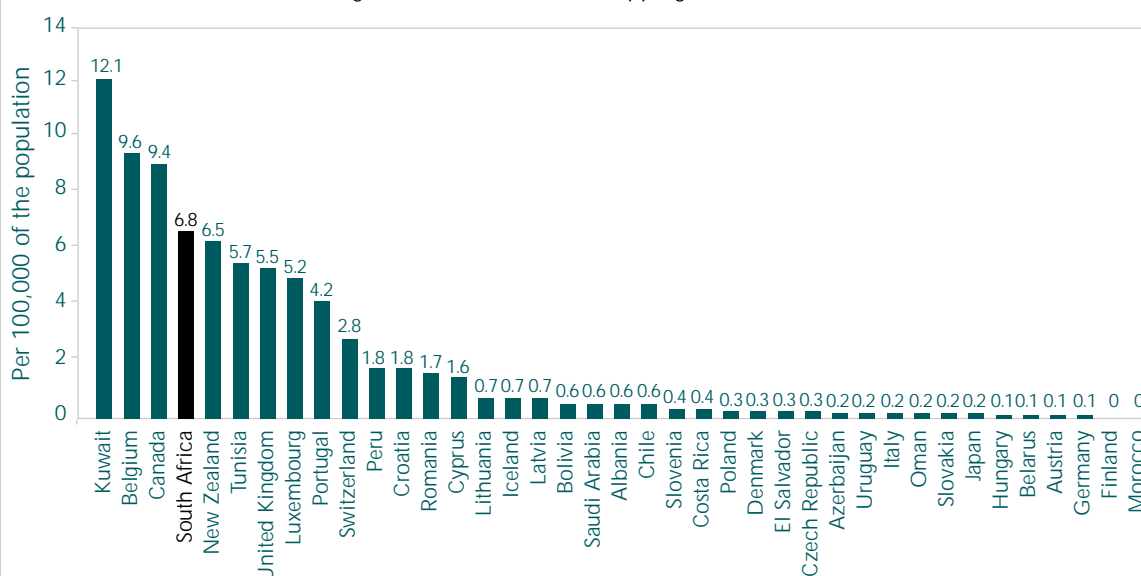
Such ambiguities make it impossible to know precisely how many of the kidnappings recorded by

police statistics are for ransom, but it is likely that these make up only a small proportion of all cases. Again, the data are sketchy and of questionable accuracy and comparability. The international Hiscox insurance group estimates that there were 11 kidnappings for ransom in South Africa between 1992 and 1999 – although they argue that only about 10% of kidnappings for ransom are reported to the authorities, potentially making the true figure somewhere in the region of 110.²⁶

According to the Hiscox group figures, this still places South Africa amongst the ten countries with the highest kidnapping rates in the world, but leaves it well behind several Latin American countries and those making up the former Soviet Union (Table 1). A study by the insurance company AIG South Africa indicates that there were 32 kidnappings for ransom in South Africa between 1998 and 2003, although AIG too believes that the actual figure is likely to be higher.²⁷

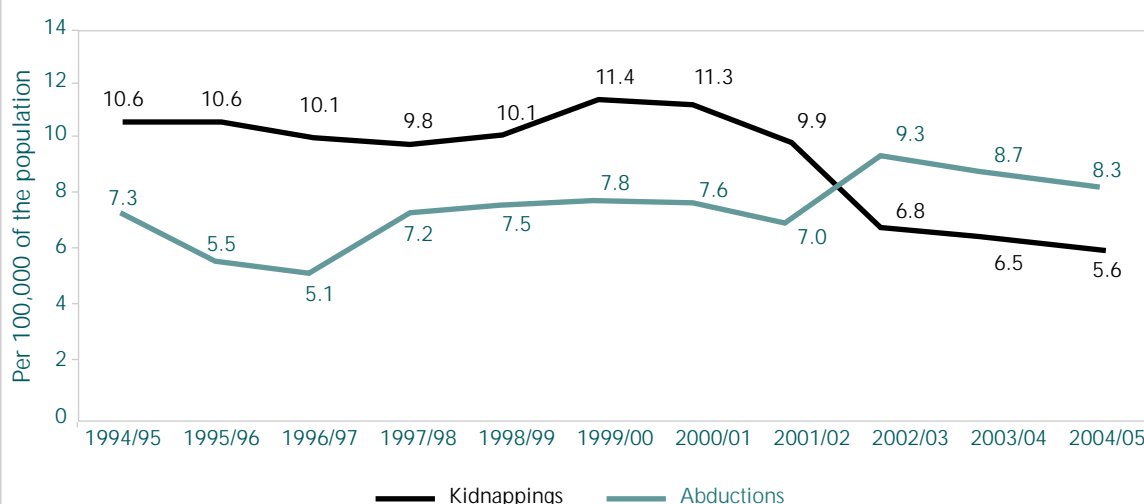
The take-up of kidnapping for ransom insurance in South Africa is still relatively low, however, and insurance industry-based statistics probably underestimate the extent of the problem. Risk insurance is a highly secretive area, and owing to fears that revealing specifics about take-up trends and purchasers could place clients at risk, kidnapping

Figure 1: International kidnapping rates in 2002



Source: 8th United Nations Survey on Crime Trends and the Operations of the Criminal Justice System

Figure 2: Kidnappings and abductions reported to the SAPS, 1994/95 – 2003/04



Source: Crime Information and Analysis Centre (CIAC), 2005

Table 1: Kidnappings for ransom reported by the Hiscox insurance group, 1992 – 1999

Rank	Country	1992	1993	1994	1995	1996	1997	1998	1999	Total
1	Colombia	464	244	217	469	947	908	960	972	5,181
2	Mexico	46	87	31	48	109	275	436	402	1,434
3	Former Soviet Union ²⁸	5	5	13	3	21	41	57	105	250
4	Brazil	94	66	73	56	65	67	43	51	515
5	Philippines	53	56	78	61	113	61	51	39	512
6	Nigeria	1	0	0	1	0	2	6	24	34
7	India	9	10	13	9	5	8	5	17	76
8	Ecuador	1	10	15	11	7	5	5	12	66
9	Venezuela	15	6	7	7	28	24	10	12	109
10	South Africa	0	0	0	1	0	0	0	10	

Source: The Hiscox insurance group, 2000

insurance is even more so. A local risk management consultant estimates that fewer than half of all South Africa's large corporations have kidnapping insurance, with most cover confined to senior executives working in the local branches of large multi-national companies.²⁹ Private insurance too appears restricted primarily to a relatively small number of high- profile, high-worth individuals. Reporting issues aside, it is thus likely that industry-based statistics are only illustrative of trends in a very specific segment of the population.

According to a director in the SAPS Johannesburg detective branch, the Gauteng police deal with over a dozen kidnappings for ransom each month.³⁰ Other sources estimate that there are 12 to 15 kidnappings for ransom in the province each month – mostly involving children.³¹ A private investigator, although reluctant to suggest actual figures, argues that he is seeing more kidnappings for ransom than five years ago, with the number of cases having risen steadily over this period.³²

Looking to the future

Based on these figures it is impossible to determine precisely how big an issue kidnapping for ransom is in South Africa, and without significant changes in the way that police statistics on kidnapping are captured, it will be difficult to even estimate the true extent of the problem in the future. Despite the alarm with which the issue has been met in the media, kidnapping for ransom appears relatively rare compared to other serious and violent crimes. Nevertheless, the indication is that the number of kidnappings is growing and that the crime may develop into more of a problem in the future. This is not a forgone conclusion, but it is plausible that as more and more money is invested in securing property, houses and businesses in South Africa, kidnapping may become an increasingly easy and attractive way of obtaining large financial rewards.

Should this be the case, it will be important for the police to develop a uniform capacity to deal quickly and effectively with kidnapping for ransom cases. One suggestion is that one or two officers at station level be trained specifically to respond to suspected kidnappings. It might be impractical to do this for every station, but given the apparent relationship between wealth and kidnapping, resources could be focused on South Africa's wealthier urban areas.

Endnotes

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- 14 Interview with Mark Courtney, senior risk and crisis management consultant for Clayton Consultants Inc, August 2005; Interview with S Van Zyl, Private investigator, August 2005.
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- 26 *Kidnapping in foreign countries*, Mongabay.com, <www.danger.mongabay.com/kidnapping_stats.htm> 26 July, 2005.
- 27 Minnit, op cit.
- 28 Former Soviet Union countries include the Russian Federation and the 14 fully independent republics of Armenia, Azerbaijan, Belarus, Estonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Tajikistan, Turkmenistan, Ukraine and Uzbekistan.
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